

Regular Session, 2010

SENATE BILL NO. 80

BY SENATOR MARTINY

COURTS. Authorizes the collection of the expungement processing fee by the clerk of court. (8/15/10)

AN ACT

To amend and reenact R.S. 44:9(A)(4), relative to expungement of arrest records in misdemeanor and felony cases; to authorize the clerk of court to collect the expungement processing fee; to provide for an administrative fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:9(A)(4) is hereby amended and reenacted to read as follows:

§9. Records of violations of municipal ordinances and of state statutes classified as a misdemeanor or felony

A. \* \* \*

(4)(a) The sheriff and the district attorney may each charge a processing fee of fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Section. **On or after August 15, 2010, twenty percent of any increase of the processing fee for the expungement of any record of arrest charged and collected by the sheriff and the district attorney shall be paid into the state treasury for deposit into the Louisiana Public Defender Fund.**

(b) The clerk of court shall collect the processing fee at the time the motion for expungement is filed and may collect a fee of up to ten dollars to cover the clerk's administration costs. If the court finds the mover is entitled to the relief sought, the clerk shall direct the collected processing fee to the sheriff and the district attorney and the processing fee amount shall be deposited immediately upon receipt to the Sheriff Fund and the District Attorney Fund. If the court does not grant such relief, the clerk of court shall return the fee to the moving party.

\* \* \*

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

# DIGEST

Martiny (SB 80)

Present law allows the sheriff and the district attorney to each charge a processing fee of \$50 for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of present law.

Proposed law retains present law and requires that on or after August 15, 2010, twenty percent of any increase of the processing fee for the expungement of any record of arrest charged and collected by the sheriff and the district attorney be paid into the state treasury for deposit into the La. Public Defender Fund.

Proposed law provides that the clerk of court shall collect the processing fee at the time the motion for expungement is filed and may collect a fee of up to ten dollars to cover the clerk's administration costs. Provides that, if the court finds the mover is entitled to the relief sought, the clerk shall direct the collected processing fee to the sheriff and the district attorney and the processing fee amount shall be deposited immediately upon receipt to the Sheriff Fund and the District Attorney Fund. Provides that, if the court does not grant such relief, the clerk of court shall return the fee to the moving party.

Effective August 15, 2010.

(Amends R.S. 44:9(A)(4))

## Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Requires that 20% of any processing fee increase charged and collected by the sheriff and the district attorney for the expungement of any record of arrest be paid into the state treasury for deposit into the La. Public Defender Fund on or after August 15, 2010.